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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,827	03/14/2002	Pankaj K. Garg	10014918-1	2671

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EXAMINER

VU, THONG H

ART UNIT PAPER NUMBER

2142

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/099,827

Applicant(s)

GARG ET AL.

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Claims 1-20 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks TM, and other legal symbols @, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims. Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.
4. Claims 7,12, 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The scope of meaning of the following claim language is not clear:

(claims 7,17) said file access counter being configured **such that** counting is collective with respect to said transfers of said network files to said plurality of clients

(claim 12) It is also unclear that any one of a plurality of clients and to said plurality of clients means the client computers or the clients as human being or users. Examiner interprets as any client machines connected to network.

5. Claims 1 and 17 disclose a network file with instructions; claim 12 discloses a cachable document with count-inducing message. Examiner interpret the claims discloses the same invention. Applicant either correct the claims language or adjust to maintain the consistency of invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as obvious over Evans [6,279,113 B1] in view of McBrearty et al [2003/0009496 A1].

6. As per claim 1, Evans discloses A method of tracking hits for a network file [Evans, monitoring the request access from clients, 0019] comprising the steps of:
receiving a request for said network file from a requesting device [Evan, 0019];
sending said network file to said requesting device in response to said request, said network file including an instruction to transmit an indicator subsequent (i.e.: trigger) to said requesting device receiving said network file [Evans, a data set with a attached program which trigger the subscription message, 0022-0028];

transmitting said indicator from said requesting device in response to receiving said network file [Evans, request message and a unique identifier, 0020]; and

However Evans does not explicitly detail "processing said indicator to track said hits for said network file".

McBrearty discloses a Web environment wherein the activity rate of client requests is presented as an indicator associated with the document [McBrearty, abstract; tracking the rates of specific documents transmitted from a source, 0006]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the indicator associated with the requested document as taught by McBrearty into the Evans's apparatus in order to utilize the instructions message. Doing so would provide the capability of detecting the activity rate of the requested document on the network distributions system.

7. As per claim 2, Evans-McBrearty disclose receiving said request includes receiving said request over the global communications network referred to as the Internet [Evans, 0022-0028].

8. As per claim 3, Evans-McBrearty disclose a step of including a network address of said requested network file within said indicator, so that said indicator can be identified as corresponding to said requested network file [McBrearty, abstract].

9. As per claim 4, Evans-McBrearty disclose a step of including a network address of a remote processor within said instruction for navigating said indicator from said requesting device over a network to said remote processor, so that said indicator can be processed [McBrearty, abstract].

10. As per claim 5, Evans-McBrearty disclose a step of executing said instruction to transmit said indicator by an end-user browser at said requesting device.

11. As per claim 6, Evans-McBrearty disclose a step of generating said request for said network file at said requesting device.

12. As per claim 7, Evans-McBrearty disclose a step of embedding said instruction within said network file, **such that** said instruction is transparent to an end-user at said requesting device [Evans, a data set with a attached program which trigger the subscription message, 0022-0028].

13. As per claim 8, Evans-McBrearty disclose processing said indicator includes counting said indicator for updating a tally of said hits for said network file [McBrearty, tracking the rates of specific documents transmitted from a source, 0006].

14. As per claim 9, Evans-McBrearty disclose receiving said request for said network file includes receiving said request at a proxy, said proxy having cache memory to

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service said request when said cache memory includes a cached copy of said requested network file, said cached copy having said instruction for transmitting said indicator from said requesting device subsequent to said requesting device receiving said cached copy [Evans, cache copy,0021].

15. As per claim 10, Evans-McBrearty disclose a step of providing said instruction as programming that is compatible with JavaScript as inherent feature of Web server [McBrearty,0022].

16. As per claim 11, Evans-McBrearty disclose a step of providing said network file to include at least one of text information, image information, audio information and video information as inherent feature of web documents.

17. As per claim 12, Evans-McBrearty disclose A method of counting a number of accesses for cachable documents comprising the steps of:

embedding executable code in each of a plurality of said cachable documents, said executable code being associated with triggering transmissions of count-inducing messages from clients [Evans, a data set with a attached program which trigger the subscription message, 0022-0028];

sending said cachable documents to said clients in response to requests for said cachable document received from any one of a plurality of said clients [Evans, a proxy

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server monitoring message requested by clients via a distribution system 110, Fig 2, 0019-0020];

receiving said count-inducing messages (i.e.: indicator) transmitted from said clients as responses to execution of said executable code upon reception of said cachable documents [McBrearty, indicator, abstract]; and

counting said accesses (i.e.: tracking the hit rate) on a basis of receiving said count-inducing messages said counting being collective with respect to said accesses by said plurality of clients [McBrearty, tracking the rates of specific documents transmitted from a source, 0006].

18. As per claim 13, Evans-McBrearty disclose receiving said count-inducing messages includes receiving one of said count-inducing messages for each said cachable document received by said clients [McBearty, the user request the bookmark listing, 0028].

19. As per claim 14, Evans-McBrearty disclose a step of storing said cachable documents in Web proxies, said Web proxies being in communication with said clients and at least one originating server via the Internet, said Web proxies being configured to store said cachable documents that are downloaded from said originating server [Evans, proxy server, 0022-0028].

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20. As per claim 15, Evans-McBrearty disclose a step of implementing said executable code by browser software of said clients, such that said count-inducing messages are transmitted from said clients [McBearty, the bookmarked page indicates high activity, 0028].

21. As per claim 16, Evans-McBrearty disclose a step of providing a Universal Resource Locator (URL) of a processor in said executable code to enable transmitting of said count-inducing messages from said browser software to said processor, said processor being operationally associated with said originating server [McBearty, bookmark, 0027].

22. As per claim 17, Evans-McBrearty disclose A system for tracking hits over the Internet comprising:

a store of plurality of network files, each of said network files having a command to initiate a transmission of an identifier from any of a plurality of clients upon a receipt of one of said network files by said clients [Evans, a data set with a attached program which trigger the subscription message, 0022-0028];

programming accessible via each said client, said programming being configured to request said network files and to transmit said identifier upon reception of one of said network files to said client [Evans, a data set with a attached program which trigger the subscription message, 0022-0028]; and

a file access counter responsive to receiving said identifiers from clients as a basis for counting transfers of said network files to said clients, said file access counter being configured such that counting is collective with respect to said transfers of said network files to said plurality of clients [McBrearty, tracking the rates of specific documents transmitted from a source, 0006].

23. As per claim 18, Evans-McBrearty disclose said command includes programmable code embedded within each said network file, said programmable code being configured to execute said transmissions of said identifiers upon said receipt of said network files by said client [Evans, a data set with a attached program which trigger the subscription message, 0022-0028].

24. As per claim 19, Evans-McBrearty disclose said programmable code includes an Internet address of said file access counter, said network files including World Wide Web pages [McBearty, bookmark, 0027].

25. As per claim 20, Evans-McBrearty disclose said network files include cached copies of Internet files, said store of network files being a proxy Web server [Evans,0022-0028].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Patent Examiner
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A handwritten signature in black ink, appearing to read 'Thong Vu', with a horizontal line underneath.